

# FILING FOR WATER IN THE STATE OF UTAH

Rec. by \_\_\_\_\_

Fee Rec. \_\_\_\_\_

Receipt # \_\_\_\_\_

## DILIGENCE CLAIM

This form is used in accordance with Utah Code Annotated, Section 73-5-13 (1989) to document water rights established prior to the enactment of the 1903 and 1935 statutes requiring that applications to appropriate be filed with the State Engineer. The information on this claim must describe the original use of water when the right was first established.

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\*WATER RIGHT NO. \_\_\_\_\_ - \_\_\_\_\_

\*DILIGENCE CLAIM NO. \_\_\_\_\_

\*FILING DATE \_\_\_\_\_

\*MAP DRAWER \_\_\_\_\_

☐ Check here if the current use of the water differs from the historic use in any respect. If there is a difference, a change application may be required.

1. CLAIMANT INFORMATION

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. PERSON WHO FIRST PUT WATER TO BENEFICIAL USE \_\_\_\_\_

3. DATE WHEN WATER WAS FIRST PUT TO BENEFICIAL USE \_\_\_\_\_  
Surface water prior to 3/12/1903. Groundwater prior to 3/22/1935.

4. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre-feet

5. SOURCE \_\_\_\_\_

6. POINT(S) OF DIVERSION WHERE WATER WAS FIRST DIVERTED FOR BENEFICIAL USE  
By legal survey ties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Original diverting works (See instructions.): \_\_\_\_\_  
\_\_\_\_\_

7. POINTS OF REDIVERSION

Source where water was originally rediverted \_\_\_\_\_  
Point(s) by legal survey ties: \_\_\_\_\_  
\_\_\_\_\_

Original rediverting works (See instructions.): \_\_\_\_\_  
\_\_\_\_\_

\*These items are to be completed by the Division of Water Rights.

**8. POINT(S) OF RETURN**

Amount of water originally consumed: \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre-feet  
Amount of water originally returned: \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre-feet  
Point water was originally returned to natural source (by legal tie(s)):

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**9. STORAGE**

Reservoir Name (where originally stored): \_\_\_\_\_  
Date when water was first stored: \_\_\_\_\_  
Times during the year when water was diverted to storage (as originally developed): From \_\_\_\_\_ To \_\_\_\_\_  
Volume: \_\_\_\_\_ acre-feet. Dam height: \_\_\_\_\_ ft. Surface area: \_\_\_\_\_ acres.  
Legal description by 40-acre tracts: \_\_\_\_\_

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**10. PURPOSE AND EXTENT OF USE**

Describe the extent and months of the year of original water use.

IRRIGATION: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
STOCKWATERING (number and kind): \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
DOMESTIC: \_\_\_\_\_ families and/or \_\_\_\_\_ persons.  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
MUNICIPAL (name of service area) \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
MINING: \_\_\_\_\_ Mining District in the \_\_\_\_\_ Mine.  
Type of ores mined: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
POWER: Type: \_\_\_\_\_ Plant Name: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
OTHER: Type: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_

**11. PLACE OF USE**

Legal description of the original place of use by 40-acre tract(s):

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**12. EXPLANATORY REMARKS**

Information to more clearly define the full pupose of this diligence claim (Use additional pages of the same size if necessary.):

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WATER RIGHT NO. \_\_\_\_\_

# CERTIFICATE OF CLAIMANT

The claimant acknowledges the accuracy of the information contained herein and the attached documentation.

STATE OF UTAH )  
COUNTY OF \_\_\_\_\_ ) SS

I/we, being duly sworn, do hereby certify that I/we am/are the claimant(s), or agent(s) of the claimant(s), to a right to the use of water as set forth in the foregoing statement of facts.

Signature of Claimant

Signature of Claimant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

Notary Public

# CERTIFICATE OF ENGINEER

STATE OF UTAH )  
COUNTY OF ) SS

I, \_\_\_\_\_, being duly sworn, certify that I was employed to prepare the maps associated with this diligence claim; that the maps were prepared from field notes of a survey made by me between the days of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, \_\_\_\_\_; that these maps, labeled as Sheet Nos. \_\_\_\_\_ to \_\_\_\_\_ inclusive, when combined with the written claim fully describe the method and extent of beneficial use of the water when it was first put to use, and that each and all of the items contained herein are true to the best of my knowledge.

Engineer: \_\_\_\_\_ License No. \_\_\_\_\_  
(printed name)

(printed address)

seal of engineer

Signature of Engineer

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

seal

Notary Public

## **INSTRUCTIONS FOR COMPLETING AND SUBMITTING DILIGENCE CLAIMS**

Both Underground Water Claims and Diligence Claims will now be filed on Diligence Claim forms. These instructions describe the requirements for filing a Diligence Claim. Diligence Claims must be prepared by a registered engineer or licensed land surveyor. A complete claim will consist of three parts: (1) a written claim form, (2) a sheet or sheets of maps and drawings, and (3) documentation of the claim. Under Sections 73-5-13 and 73-3-4, the State Engineer is authorized to determine what information the claimant must provide to substantiate Diligence Claims. The state engineer will review all parts of the claim for completeness. If any part of the claim is found to be incomplete, it will be returned to the claimant.

**CLAIMANT INFORMATION:** Once the Diligence Claim is determined to be acceptably complete and filed with the Division of Water Rights, the claimant will be responsible to inform the division of any changes in address.

**WATER MEASUREMENT:** The engineer or land surveyor shall certify that the quantity of water claimed either in cfs or acre-feet is consistent with the beneficial use claimed and the supply which the source is capable of providing. Water measurements may be made by vessel, weir, meter, rated flume, reservoir capacity table or other accepted standard method of measurement; but not by floating chip or theoretical carrying capacity of conveying channel. Such details shall describe the method used in making the measurement, the date when made, the name of the person making the measurement and sufficient information to enable the State Engineer to compute the quantity of water measured in each case. This will include current meter notes and rating tables of field observation notes if other devices are used. Where the source of supply is of a fluctuating nature, a series of measurements should be submitted to show the variation in flow and the period or periods during which it is available.

**LEGAL TIES:** All ties to points of diversion, rediversion, return, etc., must be given by rectangular coordinates with reference to a regularly established U.S. land corner if within a distance of six miles of such corner, otherwise ties may be given with reference to a mineral monument, or a federal triangulation or traverse monument. If not within a distance of six miles of a corner or monument, the point may be designated with reference to a prominent natural object.

**DIVERSION AND CONVEYANCE WORKS:** A concise description of the original diverting and conveyance works shall be given. This description must trace the water from the point of diversion to and including the place of use. The reservoir, if any, diverting dams, head gates, canals, flumes, or well and other related structures shall be included. If the original diverting works was a well, its diameter, depth and a well log, if available, shall be included. This description shall be in the form of a concise word picture of the storage of water, if stored, its release, rediversion, and conveyance to point of use.

**USE OF WATER:** An explanation of the nature and extent of all original uses of the water must be made, including date water was first put to use, acres irrigated, household connections, number of stock, periods of use, etc.

**PLACE OF USE AND ACREAGE:** If the water was used for irrigation of a full legal subdivision, the various irrigated areas shall be described by 40 acres

tracts of each section, township and range. Where less than a legal subdivision is irrigated, the number of acres within each subdivision of 40 acres must be given. No legal subdivision of forty acres shall be described if no part of it has been irrigated. In no instance is an irrigated area to be given by elimination of non-irrigated areas. The descriptions in the written claim are to conform strictly with the maps. A description of the legal subdivision embracing the "water using areas" shall be given in the blank spaces of item 11. If insufficient space is there provided, it may be given under general remarks or on added sheets with reference thereto in the paragraph. In addition to this statement, there shall appear under general remarks or on additional sheets attached thereto and made a part of the written claim, detailed descriptions of the irrigated areas as referred to in the above paragraph. Descriptions in the written claim by legal subdivision and fractional subdivision shall be prepared in the following manner: 39.7 acres in SW1/4NW1/4, 9.6 acres in NE1/4SW1/4, 7.0 acres in NW1/4SW 1/4, Sec. 15, T&S, R2E, SLBM. If the description includes land used in crop rotation, the practices should be explained.

#### DOCUMENTATION:

The claimant submitting a Diligence Claim must provide documentation that he/she is the successor in interest to the person who originally put the water to use. Adequate documentation would include records showing the claimant to be the owner of the land where the water was first put to use or documentation showing the use was moved from the place of original use to the property the claimant now owns. The claimant must also provide documentation that the water right described on the form has not been forfeited for non-use. Documentation may include, but not be limited to: (1) affidavits setting forth facts of which the affiant has personal knowledge, (2) documented and historic photographs, plat maps, survey maps, drawings, etc. which aid to establish the above facts, (3) copies of original diaries, personal histories, local histories and other historical documents which aid to establish the above facts, and (4) other records on file with the county recorder's office which aid to establish the above facts.

MAPS AND DRAWINGS: The map which accompanies this form must show and describe the beneficial use for which the water was first put to use. All maps must be submitted on material that is durable and tear resistant. (An example is Mylar). Paper is unacceptable. The ink must be compatible with the mapping media to ensure durability. Maps photocopied onto translucent or transparent material are not acceptable. All information directly pertaining to this claim must be in black permanent ink. All other information should be in a contrasting color. Pencil drawings are inadequate. There are two acceptable size formats; with either format, the title block must be in the lower right hand corner. The small size format is the most convenient for filing. Included in this format are maps that are either 8 1/2 x 11 or 8 1/2 x 14 inches with the short side being the bottom. Maps of this size must be on acceptable material that is translucent, transparent, or opaque. The sheets must have a margin of at least 1 1/4 inches at the top and 1/2 inch on the side and bottom. Maps of this size must not be folded and must be mailed flat with stiff cardboard to protect against crushing. The large size format is 24 x 36 inches with the long side being the bottom. Maps of this size format must be on acceptable material that is translucent or transparent. The sheets must have a margin of at least 1/2 inch on all sides. Maps of this size must be rolled and sent in a mailing tube.